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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/988,654      | 11/20/2001  | D. Bradley Stone     |                     | 4866             |

27522 7590 11/19/2004

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EXAMINER

GLESSNER, BRIAN E

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3635

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/988,654

Applicant(s)

STONE, D. BRADLEY

Examiner

Brian E. Glessner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-16 is/are rejected.
- 7) ☒ Claim(s) 17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

The following office action is in response to the amendment filed on August 24, 2004. Claims 10-18 are pending in the application. Claims 10-16 are rejected as set forth below, and claims 17 and 18 are objected to as being dependent upon a rejected base claim.

***Claim Objections***

Claims 10 and 11 are objected to because of the following informalities: In regard to claim 10, the applicant is describing the size of the opening with respect to the vertical member. However, the vertical member has not been positively claimed. Therefore, the applicant should amend claim 10, line 6, to read "a first opening adapted to be greater...". The problem also occurs in claim 11, lines 8 and 13. Also, claim 11, line 14, after engage, the term "the" should be inserted since the vertical member was previously introduced into the claims. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

Claims 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Maraman (4,856,729).

In regard to claim 10, Maraman discloses a load supporting bracket adapted for attaching to a substantially vertical member having a depth defined by a front face and a back face, the bracket comprising a side member 62 having front and rear ends, a front leg 64 and a rear leg 66 co-protruding from the front and rear ends of the side member respectively and forming a first opening adapted to be greater than the depth of the vertical member therebetween, and a support member 60 extending from the front end

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of the side member and adapted for supporting a load, the bracket having an installation position, wherein the first opening is oriented for installation laterally onto the vertical member and the bracket having a supporting position, wherein the bracket is rotated to lower the support member until the front leg engages the front face of the vertical member and the rear leg engages the rear face of the vertical member.

In regard to claim 11, Maraman discloses the claimed invention, wherein the front and rear legs are L-shaped, each of the front and rear legs further comprising a transverse member protruding substantially perpendicular from the side member, and a tab projecting substantially perpendicular from the transverse member and over the first opening, the tabs having a limited length so as to form a second opening therebetween that is adapted to be greater than the depth of the vertical member and which has a lesser extent than the first opening so that in the installation position, the second opening is oriented for installation laterally onto the vertical member and in the supporting position, the front and rear legs are adapted to engage the vertical member and the tabs partially envelope the vertical member.

### ***Claim Rejections - 35 USC § 103***

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maraman (4,856,729) in view of Kummer (2,056,527).

In regard to claims 12 and 13, Maraman discloses the claimed invention except for specifically disclosing the use of anchors in the form of one or more teeth extending towards the first opening from at least one of the front leg or the rear leg for engaging the vertical member in the supporting position and substantially precluding relative

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movement of the bracket and vertical member when the support member is loaded.

Kummer teaches that the use of anchors in the form of teeth 25 is well known in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to incorporate Kummer's teeth into Maraman's invention,

because the teeth, as taught by Kummer (col. 2, lines 1-2), will bite into the vertical

members to prevent the bracket from moving along the length of the vertical member.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maraman (4,856,729) in view of Keiter (2,686,033).

In regard to claim 14, Maraman discloses the claimed invention except for specifically disclosing that said support member is a hook. Keiter teaches that it is known to use a hook, i.e. the hook is shown in figure 3. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a hook in place of Maraman's aperture, because a hook will provide a more versatile support means. A hook will allow one to hang object therefrom and will also allow one to lay a rod or tube across the hook. Further, the use of hooks for hanging objects is notoriously well known and appears to be a matter of obvious design choice since the applicant has not provided any reasons as to why the use of a hook is critical to the claimed invention. Thus, it appears that the use of a hook lacks criticality to the claimed invention.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maraman (4,856,729) in view of Knight et al. (4,533,091).

In regard to claim 15, Maraman discloses the claimed invention except for specifically disclosing that the bracket includes a system comprising two brackets

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adapted for attaching to two spaced apart and substantially parallel vertical members, an axle adapted for extending between the support members of each bracket, and a material reel rollably mounted on the axle for ease of dispensing of the material. Knight teaches that it is known to provide such a system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Maraman's bracket in the same manner taught by Knight, because both brackets are of a similar construction. Therefore, one having ordinary skill in the art is capable of determining various uses for a single device. Thus, in view of Knight's teaching, it would have been obvious to those of ordinary skill to use Maraman's bracket in the same manner. Also, one having ordinary skill in the art would also be capable of substituting Maraman's bracket for Knight's bracket since both brackets are functionally equivalent.

In regard to claim 16, Maraman discloses the claimed invention except for disclosing the use of two brackets spaced apart with a work surface extending between the two brackets. As discussed above in the rejection of claim 15, Knight teaches that it is known to use two spaced apart brackets to support a member extending between the two brackets. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to support a work surface or any other structure from the spaced apart brackets, because one having ordinary skill in the art is capable of determining different uses for a known device.

***Allowable Subject Matter***

Claims 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to claims 10-18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shelton et al., Silkey, Bourhenne, Olsen, Dunckel, Ringman, Benolkin, Havener, Tuite, Lupinacci, Murphey, Le Roy and Edmonston.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Glessner whose telephone number is 703-305-0031. The examiner can normally be reached on Monday through Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Brian E. Glessner  
Primary Examiner  
Art Unit 3635

B.G.  
November 16, 2004